



Crl.O.P.Nos.15470 and 15489 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 379 and 511 of IPC in Crime No.130 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.130 of 2023 for the offences under Sections 379 and 511 of IPC. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes on the ground that, accused in these cases, tried to illegally remove sand from Government Poramboke Odai in survey No.62/2 using vehicle bearing Nos.TN 48 Z 5848, TN 38 AK 6873, TN 72 BL 6275 and TN 20 CZ 3531. However, on seeing the Village Administrative Officer and other officials, accused had offloaded the sand. There is no previous case pending against the accused. Thus, he prays for dismissal of this petition.



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4. Considering the nature of allegations made against the petitioners and the fact that, accused had offloaded the sand and also the fact that, there is no previous case pending against the petitioners and that material part of the investigation might have been over by this time, this Court is of the view that, custodial interrogation of the petitioners is not necessary and petitioners are directed to make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) each by way of Demand Draft/RTGS/NEFT** to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to their rights and contentions before the trial Court. On such deposit and production of proof, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Vazhapadi**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the



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satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



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Court himself as laid down by the Hon'ble Supreme Court in
P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

14.07.2023

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